



To the Honorable Council
City of Norfolk, Virginia

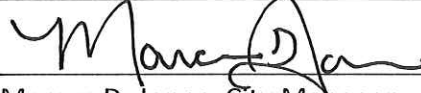
April 12, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for a commercial drive-through at 7813 Shore Drive**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-6**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – commercial drive-through
- IV. **Applicant:** Reg Mahoney
- V. **Description:**
 - The property is located on Shore Drive, adjacent to the East Beach Marketplace Shopping Center.
 - This request would allow a three-unit shopping center, with a commercial drive-through servicing the end unit.

Staff point of contact: Sarah Richards at 664-7470 or sarah.richards@norfolk.gov

Attachments:

- Staff Report to CPC dated March 24, 2016 with attachments
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: March 24, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Sarah G. Richards

SGR

Staff Report	Item No. 8	
Address	7813 Shore Drive	
Applicant	Reg Mahoney	
Request	Special Exception	Commercial drive-through
Property Owner	Little Creek Holdings, LLC	
Site Characteristics	Site/Building Area	33,988 sq. ft. /4,218 sq. ft. (proposed)
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	N/A
	Character District	Suburban
Surrounding Area	North	C-3: CVS Pharmacy
	East	Virginia Beach Joint Expeditionary Base Little Creek-Fort Story
	South	R-13 (Moderately High Density Multi-Family): Park Towne Apartments Complex
	West	C-3: East Beach Marketplace Shopping Center



A. Summary of Request

- The property is located on Shore Drive, adjacent to the East Beach Marketplace Shopping Center.
- This request would allow a three-unit shopping center, with a commercial drive-through servicing the end unit.

B. Plan Consistency

- The proposed special exception is consistent with plaNorfolk2030, which designates this site as commercial.
- The Providing Transportation Options chapter of plaNorfolk2030 includes an action calling for the development of complete streets, including provisions for bicycles and pedestrians such as sidewalks, multi-use paths, or sharrows.
- In order to be fully consistent with plaNorfolk2030, site improvements should be included that further the implementation of complete streets.

C. Zoning Analysis

i. General

The use is permitted in the C-2 district by special exception.

ii. Parking

- For an eating establishment of this size located within the Suburban Character District, the *Zoning Ordinance* requires that the site provides a minimum of 1 parking space per 150 sq. ft. of building area.
 - The end unit with the proposed drive-through will be an eating establishment. The square footage of the unit is approximately 1,515 sq. ft. Therefore, 10 parking spaces will be required for this use.
 - The applicant proposes to accommodate 28 parking spaces on site for the three-unit, 4,218 sq. ft. building. The remaining two units will be commercial retail space.
 - The proposed number of parking spaces, based on the proposed square footage of the space, meets the required parking for eating establishments in the *Zoning Ordinance*.
 - Eating establishments with a commercial drive-through are required to have 6 stacking spaces behind the order box and 4 stacking spaces between the pickup window and order box.
 - The site plan submitted with this application shows 10 stacking spaces, and therefore meets the requirements of the *Zoning Ordinance* for stacking.

iii. Flood Zone

The property is located primarily in the X Flood Zone, with the front portion of the lot along Shore Drive partially in the X-Shaded and AE 7.6 Flood Zones.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that that this proposed restaurant with a drive through will generate 737 new vehicle trips per day.
- Neither Little Creek Road nor Shore Drive near the site are identified severely congested corridors in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus routes 1 (Granby), 21 (Little Creek) and 22 (Haygood) operating near the site.
- Shore Drive adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

This site is located within the Little Creek Elementary School, Azalea Middle School, and Lake Taylor High School Attendance Zones.

G. Environmental Impacts

- The construction of a fast food restaurant with a drive-through lane should not adversely impact the surrounding uses.
- The proposed facility will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping, vehicular circulation, and stormwater improvements.
- As part of the site redevelopment, increased landscaping will be installed around the perimeter of the site to screen the parking and will provide adequate buffering between the site and the multifamily residential property to the south.
- Because Shore Drive is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan, signage cautioning drivers entering and exiting the site to yield to bicycle and pedestrian traffic will be installed.
- Sidewalks along the Shore Drive portion of the site will be brought up to current standards or replaced.

H. AICUZ Impacts

Airport Noise Zone 1—low impact.

I. Surrounding Area/Site Impacts

There have been no calls for service to the site this year.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the East Ocean View and Camellia Shores Civic Leagues on February 10.

L. Communication Outreach/Notification

- Legal notice was posted on the property on February 16.
- Letters were mailed to all property owners within 300 feet of the property on March 11.
- Legal notification was placed in *The Virginian-Pilot* on March 10 and March 17.

M. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by MSA, P.C., dated 2/4/2016, entitled, "Conceptual Plan of 7813 Shore Drive," attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (b) Signage cautioning drivers entering and exiting the site to yield to bicycle and pedestrian traffic will be installed.
- (c) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (d) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (e) All nonconforming fences and signs on the site shall be removed.
- (f) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (g) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.
- (h) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) The property shall be kept in a clean and sanitary condition at all times.

- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) No business license shall be issued until conditions (a), (d), (f), and (g) have all been implemented fully on the site.

Attachments

Location Map
Zoning Map
Application
Notice to the Civic Leagues

Proponents and Opponents

Proponents

Melissa Powers

MSA, PC

5033 Rouse Dr.

Virginia Beach, VA 23462

Opponents

None

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FOR A COMMERCIAL BUSINESS, NOT YET NAMED, ON PROPERTY LOCATED AT 7813 SHORE DRIVE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through for a commercial business, not yet named, on property located at 7813 Shore Drive. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 175 feet, more or less, along the western line of Shore Drive beginning 588 feet, more or less, from the southern line of East Little Creek Road and extending southwardly; premises numbered 7813 Shore Drive.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be generally designed in accordance with the conceptual site plan prepared by MSA, P.C., dated February 4, 2016, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (b) Signage shall be installed cautioning drivers entering and exiting the site to yield to bicycle and pedestrian traffic.
- (c) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

- (d) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (e) All nonconforming fences and signs on the site shall be removed.
- (f) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (g) All dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.
- (h) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (i) The property shall be kept in a clean and sanitary condition at all times.
- (j) The establishment shall maintain a current, active business license at all times while in operation.
- (k) No business license shall be issued until conditions (a), (b), (f) and (g) have all been implemented fully on the site.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and

specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

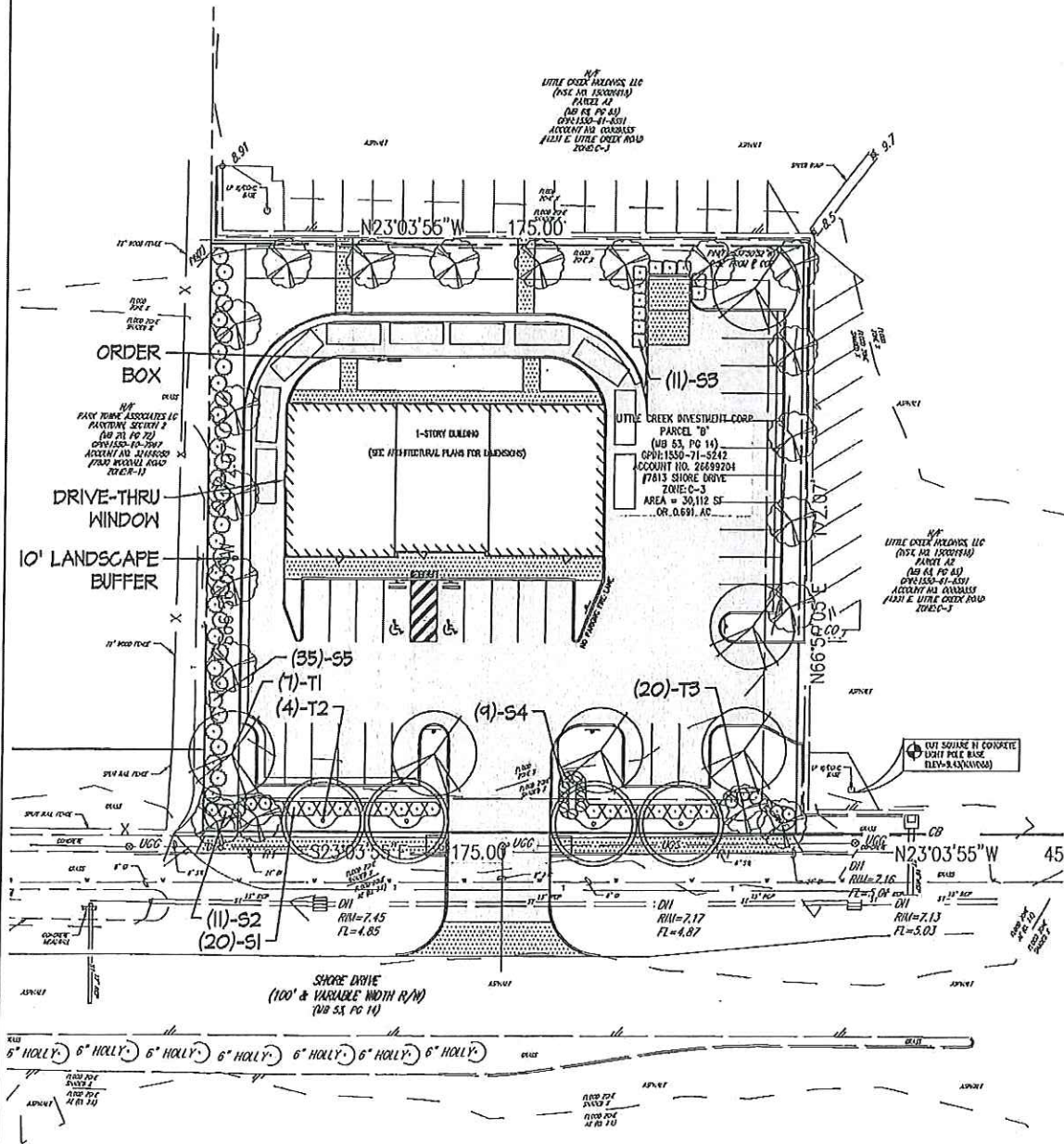
Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)

NOTES:

1. THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" AND "SHADED X" AS SHOWN ON PANEL 0070F OF THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF NORFOLK, VIRGINIA, COMMUNITY NO.: 510104, DATED 9-2-09.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT THE PROPERTY AS SHOWN. PROPERTY IS SUBJECT TO RIGHT-OF-WAY, EASEMENTS, COVENANTS AND ALL MATTERS OF PUBLIC RECORDS.



1 INCH = 40 FT

CONCEPTUAL PLAN
OF
7813 SHORE DRIVE
GPIN 1550-71-5242
PARCEL B
NORFOLK, VIRGINIA
FOR
LITTLE CREEK INVESTMENT CORP.



MSA, P.C.

Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture

5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msaonline.com

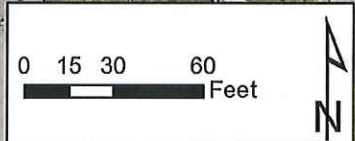
DATE: 02/04/16
DRAFT: MJP
CHK'D BY: DMW

PROJ# 15235
SHEET 2 OF 2

Location Map

REG MAHONEY

SHORE DRIVE



Zoning Map

C-3

REG MAHONEY

SHORE DRIVE
SHORE DRIVE

TARAWA COURT

R-13

FLOWERFIELD ROAD

R-13

R-2

0 35 70 140 Feet





APPLICATION SPECIAL EXCEPTION

Special Exception for: Commercial Drive-Thru

Date of application: 2/4/16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 7813 (Street Name) Shore Drive

Existing Use of Property commercial

Current Building Square Footage

Proposed Use

A three (3) unit, 4,218 square foot building for retail and/or restaurant tenants. One end unit of commercial building will have a drive through.

Proposed Square Footage 4,218 SF

Proposed Hours of Operation:

Weekday From 4:30 am To 1:00 am

Friday From 4:30 am To 1:00 am

Saturday From 4:30 am To 1:00 am

Sunday From 4:30 am To 1:00 am

Trade Name of Business (If applicable)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application
Special Exception
Page 2**

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant (757) Fax (757)

E-mail address of applicant:

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant (757) Fax (757)

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner (757) email:

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: Camella Shores, Ray Decco & East Ocean View, John Greene

Date(s) contacted:

Ward/Super Ward information: Ward 5, Tommy Smigel, Jr. & Super Ward 6, Barclay Winn


CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: R.M. MAHONEY Sign:  14 FEB 2016
(Property Owner or Authorized Agent of Signature) (Date)

Print name: _____ Sign: _____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Melissa J Powers Sign:  12/4/16
(Authorized Agent Signature) (Date) 5/24/16

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

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1 INCH = 40 FT



PROJ# 15235
SHEET 1 OF 2

DATE: 02/04/16
DRAFT: MJP
CHK'D BY: DMW

Richards, Sarah

From: Straley, Matthew
Sent: Wednesday, February 10, 2016 12:07 PM
To: greenie4720@yahoo.com; marydwh@msn.com
Cc: Smigiel, Thomas; Winn, Barclay; Herbst, James; Richards, Sarah
Subject: new Planning Commission application - 7813 Shore Drive
Attachments: Jimmy Johns.pdf

Mr. Greene and Ms. Haas,

Attached please find the application for a special exception to operate a commercial drive-through at 7813 Shore Drive.

The item is tentatively scheduled for the March 24, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Sarah Richards* at (757) 664-7470, sarah.richards@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II


City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov



Richards, Sarah

From: Melissa Powers <melissa.powers@msaonline.com>
Sent: Wednesday, March 02, 2016 2:25 PM
To: Richards, Sarah
Subject: East Beach Outparcel Parking requirements

Sarah,

Per our conversation:

Eating Establishment 1 space/150 square feet = $1515 \text{ sf} / 150 = 10.1$

Commercial 1 space/250 square feet = $2701 \text{ sf} / 250 = 10.8$

Total required 22

Total spaces provided 28

Please let me know if you need anything else.

Melissa

Melissa J. Powers
Civil Design Technician III

MSA, P.C.

5033 Rouse Drive
Virginia Beach, VA 23462-3708
Office: 757-490-9264
Melissa.Powers@MSAonline.com

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